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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/606,426 06/28/00 HILICKI

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QM12/1005

EXAMINER

THURSTON, A

ART UNIT

PAPER NUMBER

3722

DATE MAILED:

10/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/606,426

Applicant(s)

Hillick et al

Examiner

Allsa L. THURSTON

Group Art Unit

3722



☒ Responsive to communication(s) filed on Jun 28, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-68 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-68 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10, 23-25, 31, 32, 46 and 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms “diameter of a coin”, “commemorative event”, “historic event”, and an “athlete” are all relative. Furthermore, these terms could change in value and definition through time rendering the claims indefinite as to what the limitations are.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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4. Claims 1-36, 43-62 and 68 are rejected under 35 U.S.C. 102(e) as being anticipated by Krull et al US Patent No. 5,988,366.

Krull discloses a card stock book and inherently discloses a method for making a book for displaying one or more coins related to a theme comprising joined first and second book covers where at least one cover defines an interior or exterior coin receivable aperture and the theme is displayed on at least one of the covers with at least one sheet between the book covers (see fig. 5).

Krull also discloses the book theme relating a to a commemorative event, a historic event, a non-fictional character, a non-fictional celebrity character, such as a celebrity, and a geographic region being a state (501), a province (504), a country (100), a group of countries, a continent (700), where an image related to the theme is displayed in the aperture (140) when the cap is removed, a removable cap (820 & 822) insert able into the apertures, where the cap is substantially equal to the diameter of a coin, where the cap displays an image associated with the geographic region related to the book theme, where the image on the cap is the image of the coin (see col. 3, l. 5-15),

In reference to claims 14-17, 31, 32 and 50-53, Krull disclose the image on the cap being the one of the coin. Coins around the world abound with images of a bird, a capitol, a flag or a flower. Hence, Krull inherently discloses the image on the cap being the one of a bird, a capitol, a flag or a flower. Anything could be a theme related to an athlete, such as the country where he/she comes from.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 37, 38, 40-42 and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krull et al US Patent No. 5,988,366 in view of "The 50 states Quarters" ISBN 0-439-20822.

Krull discloses the claimed invention except for at least one the pages being blank or with preprinted information related to the book theme, where the theme related information is a fictional or non-fictional story.

"The 50 states Quarters" teaches a book for displaying coins with at least one of the page being a blank page (page 5) and with preprinted information related to the book theme, wherein the theme related information is a fictional or non-fictional story.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krull's invention by incorporating at least one blank page and pages for displaying coins with preprinted information related to the book theme, wherein the theme related information is a fictional or non-fictional story, as taught by "The 50 states

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Quarters", in order to provide a page in which to draw a suggested design for a quarter and provide more appeal and lasting enjoyment to the coin collector.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krull et al US Patent No. 5,988,366 in view of Ball US Patent No. 2,860,774

Krull discloses the claimed invention except for at least one page having an aperture that is aligned with one of the apertures in the cover. Ball teaches a book for displaying coins where at least one page (11) having an aperture that is aligned with one of the apertures in the cover (14), (see Figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Krull's display device to have at least one page having an aperture that is aligned with one of the apertures in the cover, as taught by Ball, in order to ensure the coins stayed put and could be displayed in harmony when passing the pages of the book.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 4425997, US 1126192, US 3245523, US 2860774, US 4043477.

9. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXING of responses to Office Actions directly into the Group at (703) 305-3579.

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Transmissions can be received from the Applicant at all times. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. The faxing of such documents must conform with the notice published in the official Gazette, 1096 OG 30 (October 19, 1998).


Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the Examiner. Applicant is reminded to clearly mark any transmissions as "DRAFT" if it is not to be considered as an official response.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alisa Thurston whose telephone number is (703) 305-1645. The examiner can normally be reached on Monday-Friday from 7:00 am to 4:00 pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, A. L. Wellington, can be reached on (703) 308-2159.

Any inquire of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

ALT

September 25, 2000


A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700